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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vincent Fischetti et al.

Appl. No.: 09/910,940

Group Art Unit: Unassigned

Filing Date: July 13, 2001

Examiner: Unassigned

Title: Use of Bacterial Phage Associated Lytic Enzymes to Prevent Food Poisoning

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56 and §1.97. A copy of each of the listed documents is being submitted to comply with the provisions of 37 C.F.R. §1.97-1.99.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action that would be appropriate to antedate or otherwise remove as a competent reference any document that is determined to be a *prima facie* prior art reference against the claims of the present application.

The instant Information Disclosure Statement is being filed in compliance with 37 CFR §1.97(b) prior to the mailing date of the first official action, therefore, no fee is required in connection with its filing. However, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

U.S. Serial No.: 09/910,940

In re Vincent Fischetti et al.

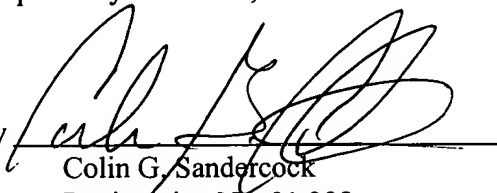
Attached as Appendix A is a list of all patents and applications filed by the present inventive entity relating to phage associated lytic enzymes and their uses. The listed U.S. patents are cited in the attached form SB/08A.

Attached herewith as Appendices 1-6 are copies of International Search Reports received in PCT applications corresponding to applications listed in Appendix A. For the Examiner's convenience, the cover sheet and claims for each of the PCT applications are also provided.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

Date: 6.10.03

By 
Colin G. Sandercock
Registration No. 31,298

HELLER EHRMAN WHITE &
MCAULIFFE
1666 K Street, N.W., Suite 300
Washington, DC 20006
Telephone: (202) 912-2000
Facsimile: (202) 912-2020



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**INFORMATION DISCLOSURE
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Sheet 1 of 11

Complete if Known

Application Number	09/910,940
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First Named Inventor	Vincent Fischetti
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Attorney Docket Number	

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	1	US- 6056954	05/02/00	Fischetti, et al.	
	2	US- 5997862	12/07/99	Fischetti, et al.	
	3	US- 5985271	11/16/99	Fischetti, et al.	
	4	US- 5688501	11/18/97	Merrill, et al.	
	5	US- 4742981	05/10/88	Converse	
	6	US- 2019789	11/05/35	Mahannah	
	7	US- 2763931	09/25/56	McMillan	
	8	US- 5479732	01/02/96	Burtch, et al.	
	9	US- 3465445	09/09/69	Fisher	
	10	US- 2315260	03/30/43	Lancaster	
	11	US- 5604109	02/18/97	Fischetti, et al.	
	12	US- 5260292	11/09/93	Robinson, et al.	
	13	US- 4957686	09/18/90	Norris	
	14	US- 6017528	01/25/00	Fischetti, et al.	
	15	US- 6132970	10/17/00	Stemmer	
	16	US- 3852424	12/03/74	Gaeumann, et al.	
	17	US- 6264945	07/24/01	Fischetti, et al.	
	18	US- 6254866	07/03/01	Fischetti, et al.	
	19	US- 6248324	06/19/01	Fischetti, et al.	
	20	US- 6238661	05/29/01	Fischetti, et al.	

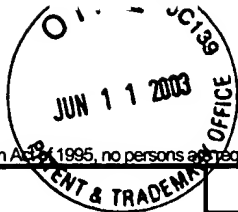
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		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	21	EP-0510907 A 2 ✓	10/28/92	Agricultural & Food Res.		
	22	WO-9702351 ✓	01/23/97	CIBA Geigy AG, et al.		
	23	WO-9607329 ✓	03/14/96	Univ. Maryland		
	24	WO-9904809 ✓	02/04/99	Ambi, Inc.		
	25	FR-2357246 ✓	02/03/78	Martinez		
	26	WO-9531562 ✓	11/23/95	Quest International B.V.		
	27	EP-587541 A1 ✓	03/16/94	Tecnogen ScpA		

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	28	US- 6056955	05/02/00	Fischetti, et al.	
	29	US- 5882631	03/16/99	Suga, et al.	
	30	US- 5741487	04/21/98	Asai, et al.	
	31	US- 6113887	09/05/00	Mori, et al.	
	32	US- 4122158	10/24/78	Schmitt	
	33	US- 3983209	09/28/76	Schmitt	
	34	US- 4885163	12/05/89	Shaar, et al.	
	35	US- 6177554	01/23/01	Woo, et al.	
	36	US- 6187757	02/13/01	Clackson, et al.	
	37	US- 5162226	11/10/92	Beachey, et al.	
	38	US- 6335012	01/01/02	Fischetti, et al.	
	39	US- 6326002	12/04/01	Fischetti, et al.	
	40	US- 6277399	08/21/01	Fischetti, et al.	
	41	US- 4062941	12/13/77	Davies	
	42	US- 5571667	11/05/96	Chu, et al.	
	43	US- 5514602	05/07/96	Brooks Jr, et al.	
	44	US- 5500350	03/19/96	Baker, et al.	
	45	US- 5384265	01/24/95	Kidwell, et al.	
	46	US- 4361537	11/30/82	Deutsch, et al.	
	47	US- 5120643	06/09/92	Ching, et al.	

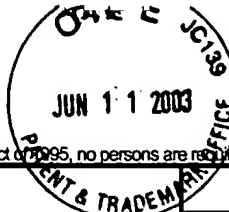
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		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	48	WO-9323544 ✓	11/25/93	The University Court of the University of Glasgow		
	49	EP-0293249 A1 ✓	11/30/88	Amrad Corporation Limited		
	50	EP-0646646 A2 ✓	04/05/95	Bristol-Myers Squibb Company		
	51	EP-0359873 A1 ✓	03/28/90	The Public Health Research Inst. of the City of New York		

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	72	US- 5604110	02/18/97	Baker, et al.	
	73	US- 5294369	03/15/94	Shigekawa, et al.	
	74	US- 5372931	12/13/94	Friedman, et al.	
	75	US- 4933185	06/12/90	Wheatley, et al.	
	76	US- 5108758	04/28/92	Aliwood, et al.	
	77	US- 4713249	12/15/87	Schroder	
	78	US- 4812445	03/14/89	Eden, et al.	
	79	US- 3622677	11/23/71	Short, et al.	
	80	US- 4369308	01/18/83	Trubiano	
	81	US- 5393658	02/28/95	Olsen	
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	82	KH Nasibulini et al; RU-2103991; Composition for treating streptococcal diseases - comprises purified concentrate of streptococcal bacteriophage, solution of quinosol, dry lanolin, albumin and vegetable oil; XP-002141110	
	83	LD Demidova et al; RU2064299; Cattle mastitis therapeutic preparation - comprises lyso: amidase of specific lytic activity and mono- and di-basic sodium phosphate(s); XP-002141111	

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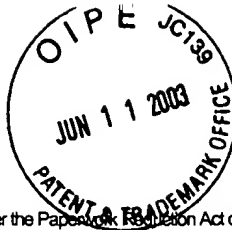
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	84	BABENKO et al. Enzymatic lysis of staphylococci in relation to their species and strain properties, 1990, Database Medline Online, US National Library of Medicine, Bethesda, MD, US, Database Accession No. 90297672 XP002170795, abstract only	
	85	BARTELL, et al., Origin of polysaccharide depolymerase associated with bacteriophage infection, Journal of Virology, March 1969, pp. 290-296, Vol. 3, No. 3	
	86	BEHNKE, et al., Cloning and expression in Escherichia coli, Bacillus subtilis and Streptococcus sanguis of a gene for staphylokinase - a bacterial plasminogen activator, Mol Gen Genet, December 1987, pp. 528-534, Vol. 210	
	87	BESSEN, et al., Chemical characterization of binding properties of opacity-associated protein II from Neisseria gonorrhoeae, Infection and Immunity, January 1987, pp. 141-147, Vol. 55, No. 1	
	88	BIZIULEVICHUS, et al., In vivo studies on lysostaphin: 3. Efficacy for treatment of mastitis and superficial lesions of the udder and teats in cows, 1998, Database Biosis Online, Biosciences Information Service, Philadelphia, PA, US, Database Accession No. PREV199800492606, XP002183274, abstract only	
	89	BOIZET, et al., Cloning, expression and sequence analysis of an endolysin-encoding gene of Lactobacillus bulgaricus bacteriophage mv1, Gene, 2000, pp. 61-67, Vol. 94	
	90	CALDWELL, et al., Purification and partial characterization of the major outer membrane protein of Chlamydia trachomatis, Infection and Immunity, March 1981, pp. 1161-1176, Vol. 31, No. 3	
	91	YOUNG et al. Phages will out: strategies of host cell lysis, Trends in Microbiology, Volume 8 No. 3, March 2000, pp 120-127	
	92	CORBEL, et al., Soluble antigens obtained from influenza virus by treatment with non-ionic detergent, J Hyg., Camb., 1970, pp. 81-96, Vol. 68	
	93	CROUX, et al., Interchange of functional domains switches enzymes specificity: construction of a chimeric pneumococcal-clostridial cell wall lytic enzyme, Molecular Microbiology, 1993, pp.1019-25, Vol. 9, No. 5	
	94	DIAZ, et al., Chimeric phage-bacterial enzymes: a clue to the modular evolution of genes, Proc. Natl. Acad. Sci. USA, October 1990, pp. 8125-8129, Vol. 87	

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	95	DIAZ, et al., Chimeric pneumococcal cell wall lytic enzymes reveal important physiological and evolutionary traits, Journal of Biological Chemistry, March 25, 1991, pp. 5464-5471, Vol. 266, No. 9	
	96	DIXON, et al., Lysostaphin: an enzymatic approach to staphylococcal disease. III. Combined lysostaphin-methicillin therapy of established staphylococcal abscesses in mice, The Yale Journal of Biology and Medicine, August 1968, pp. 62-68, Vol. 41, No. 1	
	97	FISCHETTI, et al., Size variation of the M protein in group A streptococci, Journal of Exp. Med., June 1, 1985, pp. 1384-1401, Vol. 161, No. 6	
	98	GARCIA, et al., Bacteriophages of Streptococcus pneumoniae: A molecular approach, Microbial Drug Resistance, Summer 1997, pp. 165-176, Vol. 3, No. 2	
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	106	HAYASHIDA, et al., Further characterization of PL-1 phage associated N-acetylmuramidase of Lactobacillus casei, Journal of General Microbiology, May 1987, pp. 1343-1349, Vol. 133, No. 5	
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	110	KOHLER, Systemic therapy with aerosols Aerosols in Medicine: Principles, Diagnosis and Therapy, 1993, Elsevier Science Publishers, pp. 303-319	
	111	LAWMAN, et al., Molecular cloning of the extracellular endodextranase of streptococcus salivarius, Journal of Bacteriology, December 1991, pp. 7423-7428, Vol. 173, No. 23	
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	114	LOPEZ, et al., Architecture and domain interchange of the pneumococcal cell wall lytic enzymes, Genetics of Streptococci, Enterococci and Lactococci, Developments in Biological Standardization, 1995, pp. 273-281, Vol. 85	
	115	LOPEZ, et al., The pneumococcal cell wall degrading enzymes a modular design to create new lysins, Microbial Drug Resistance, November 2, 1997, pp. 199-211, Vol. 3, No. 2	
	116	MARTIN, et al., Functional analysis of the two-gene lysis system of the pneumococcal phage Cp-1 in homologous and heterologous host cells, Journal of Bacteriology, January 1998, pp. 210-217, Vol. 180, No. 2	

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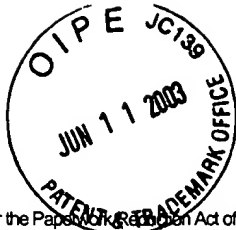
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	118	NELSON, et al., Prevention and elimination of upper respiratory colonization of mice by group A streptococci by using a bacteriophage lytic enzyme, PNAS, March 27, 2001, pp. 4107-4112, Vol. 98, No. 7	
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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Sheet 10 of 11

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Application Number	09/910,940
Filing Date	07/13/01
First Named Inventor	Vincent Fischetti
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	

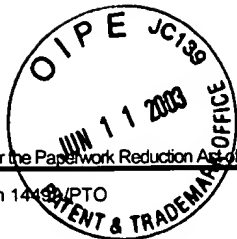
OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
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STATEMENT BY APPLICANT**

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Sheet 11 of 11

Complete if Known

Application Number	09/910,940
Filing Date	07/13/01
First Named Inventor	Vincent Fischetti
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	

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Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	133	US-5605793	02/25/97	Stemmer	
	134	US- 6355477	03/12/02	Fischetti et al	
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	136	US- 6190659	02/20/01	Pancholi et al	
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Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	153	WO 03/024410 A2	03/27/03	Fischetti et al		

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Appendix A

Serial No.	Filing Date	Patent No.	Issue Date
07/621,716	June 18, 1984	4,784,948	November 15, 1988
09/257,025	February 25, 1999	6,017,528	January 25, 2000
09/257,026	February 25, 1999	5,985,271	November 16, 1999
09/333,538	June 15, 1999		
09/395,636	September 14, 1999	6,056,954	May 2, 2000
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09/653,690	September 1, 2000	6,254,866	July 3, 2001
09/654,482	September 1, 2000	6,399,097	June 4, 2002
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Appendix A

Serial No.	Filing Date	Patent No.	Issue Date
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Serial No.	Filing Date	Patent No.	Issue Date
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